

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

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THOMAS M. OLSEN		*	
		*	
	Plaintiff	*	
		*	Civil Action No. <u>1:06-cv-477-JD</u>
	v.	*	
		*	Jury Trial Demanded
TOWN OF LOUDON	*		
		*	
	Defendant	*	
		*	
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**COMPLAINT**

NOW COMES the Plaintiff, Thomas M. Olsen, by and through his attorney, Hugh T. Lee, and respectfully submits the within Complaint, stating as follows:

**OVERVIEW**

1. The Defendant, Town of Loudon, New Hampshire, has failed and refused to pay wages to Officer Thomas M. Olsen, a former employee of the Defendant, for work that he performed in the course of his employment with the Town, in violation of the Fair Labor Standards Act of 1938, as Amended, including but not limited to 29 U.S.C. §§ 206 and 207.

### **PARTIES**

2. The Plaintiff, Officer Thomas M. Olsen, resides at 38 Hawthorne Drive, Apt. J104, Bedford, New Hampshire.

3. The Defendant, Town of Loudon, is a municipality organized and existing under the laws of the State of New Hampshire, with its principal place of business at 29 South Village Road, Loudon, County of Merrimack, New Hampshire.

### **JURISDICTION AND VENUE**

4. Jurisdiction is proper in this Court as a Federal Question, pursuant to the provisions of the Fair Labor Standards Act of 1938, as Amended, including but not limited to 29 U.S.C. §216(b) and 28 U.S.C. §1331.

5. Venue is proper in this District pursuant to the provisions of 28 U.S.C. §1391(b)(2).

### **FACTS**

6. Plaintiff, Officer Thomas M. Olsen, began working for the Defendant as a police officer on or about December 27, 2004 and resigned from said employment on or about July 2006.

7. At all relevant times, the Defendant, Town of Loudon, was an employer as defined by the Fair Labor Standards Act of 1938, as Amended, 29 U.S.C. §203, and Plaintiff was, at all relevant times, an employee as defined by that Act.

8. No exemption from the requirements of the Fair Labor Standards Act, as Amended, would justify the Defendant's failure and refusal to pay wages to Plaintiff for all hours actually worked.

9. During his employment, for approximately a twelve-week period, Officer Olsen was required by the Defendant to attend the State Police Academy on a full-time basis and in lieu of his regular work assignments within the Town of Loudon. During this period of time Officer Olsen routinely worked in excess of 40 hours per week, but was paid by the Defendant for only forty hours per week.

10. On one or more occasions during the period of Officer Olsen's employment by the Defendant, following his completion of Police Academy Training, the Defendant failed to pay Officer Olsen straight-time and/or overtime pay for hours actually worked.

11. The Defendant required, permitted or suffered Officer Olsen to work as an employee, for which he has not been paid, either at a straight-time rate or at an overtime rate. Furthermore, Defendant has failed to maintain accurate records of the hours actually worked by Officer Olsen, during the course of this employment by the Defendant.

12. The Defendant, through its chief of police, was and is on notice that Officer Olsen worked hours for which he has not been paid, either at a straight-time and/or overtime rate.

13. Despite Defendant's knowledge that Officer Olsen worked hours for which he was not paid wages, Defendant has willfully refused to pay Officer Olsen wages to which he is legally entitled.

14. At all times during his employment by the Defendant, Officer Olsen was a non-exempt employee and as such was entitled to receive straight-time pay as well as overtime pay for all hours worked in excess of 40 hours per week.

### **COUNT I**

#### **(Violation of the Fair Labor Standards Act of 1938, as Amended - Failure to pay Straight-Time and/or Overtime Compensation)**

15. The allegations of the preceding paragraphs 1 through 14 are incorporated herein by reference.

16. In violation of the Fair Labor Standards Act of 1938, as Amended, including but not limited to 29 U.S.C. §§ 206 and 207, the Defendant failed and refused to pay Officer Olsen straight-time and/or overtime compensation for all hours that he was required, permitted or suffered to work.

17. The Defendant's violations of the Fair Labor Standards Act of 1938, as Amended, including but not limited to 29 U.S.C. §207, were willful.

18. The Defendant's violations of the Fair Labor Standards Act of 1938, as Amended, including but not limited to 29 U.S.C. §§ 206, 207 and 216, entitle Officer Olsen to recover unpaid straight-time and/or overtime compensation for many of the pay periods during the course of his employment by the Defendant, plus liquidated damages, his reasonable attorney's fees, interest and costs, and other damages allowed by law.

**COUNT II**

**(Violation of the Fair Labor Standards Act of 1938, as Amended - Failure to  
Maintain Records)**

19. The allegations of the preceding paragraphs 1 through 14 are incorporated herein by reference.

20. In violation of the Fair Labor Standards Act of 1938, as Amended, including but not limited to 29 U.S.C. §211, the Defendant failed to maintain accurate records of the hours worked by Officer Olsen and as a result failed to pay Officer Olsen straight-time compensation and/or overtime compensation for all hours worked as an employee of the Defendant.

21. The Defendant's violations of the Fair Labor Standards Act of 1938, as Amended, including but not limited to 29 U.S.C. §211, were willful.

22. The Defendant's violations of the Fair Labor Standards Act of 1938, as Amended, including but not limited to 29 U.S.C. §211 and §216, entitle Officer Olsen to recover unpaid wages for many of the pay periods during the course of his employment by the Defendant, plus liquidated damages, his reasonable attorney's fees, interest and costs, and other damages allowed by law.

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff, Officer Thomas M. Olsen, respectfully requests that this Honorable Court:

A. Award judgment against defendant for such amount as may be determined by a jury for unpaid wages and overtime compensation, which amount is anticipated to be in excess of \$4,000, together with statutory liquidated damages in an equal amount, plus interest and costs and attorney's fees; and

B. Grant such other and further relief as is just and equitable.

**JURY DEMAND**

Plaintiff, Officer Thomas M. Olsen, demands a trial by jury

RESPECTFULLY SUBMITTED:

Thomas M. Olsen, Plaintiff

By his attorney:

Hugh T. Lee, Attorney at Law

Dated: December 20, 2006

By: /s/ Hugh T. Lee

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